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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 EDWARD HEINZ,

10 Plaintiff,

11 v.

12 SGT. BOYD, *et al.*,

13 Defendants.
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Case No. C08-5251 FDB/KLS

REPORT AND RECOMMENDATION

NOTED FOR:
October 10, 2008

15 This civil rights action has been referred to the undersigned United States Magistrate Judge
16 Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. For the
17 reasons discussed below, the undersigned recommends that this matter be dismissed without
18 prejudice as Plaintiff has failed to prosecute this action.

19 **I. DISCUSSION**

20 Plaintiff was granted leave to proceed *in forma pauperis*. (Dkt. # 6). On June 3, 2008,
21 Plaintiff was granted leave to file an amended complaint. (Dkt. # 8). Plaintiff filed an amended
22 complaint on July 1, 2008. (Dkt. # 9). On July 25, 2008, the Court ordered Plaintiff to provide
23 service copies of the amended complaint by August 22, 2008 and warned Plaintiff that the Court
24 would recommend dismissal of his case for failure to prosecute if he failed to timely provide the
25 service copies. (Dkt. # 10). Plaintiff has not provided the service copies or responded to the Court's
26 Order.

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2 **II. CONCLUSION**

3 Plaintiff has not provided the service copies, nor has he requested additional time to comply
4 with the Court's Order. Therefore, the undersigned recommends this case be dismissed for failure to
5 prosecute. The Court recommends the action be **dismissed without prejudice**. A proposed order
6 accompanies this Report and Recommendation.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
8 the parties shall have ten (10) days from service of this Report and Recommendation to file written
9 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
10 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time
11 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on **October10,**
12 **2008**, as noted in the caption.

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14 DATED this 23rd day of September, 2008.

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18 Karen L. Strombom
19 United States Magistrate Judge
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